THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 10037 of 2006

DATED: 30-05-2006

BETWEEN:

Smt Bantu Sattamma

.. PETITIONER

AND

The Department of Home and others.

.. RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 10037 of 2006

ORDER:

With the consent of both the parties, the writ petition is taken up for final hearing at the stage of admission.

This writ petition has been filed by Smt Bantu Sattamma seeking direction to the second respondent to reinvestigate the Crime No.39 of 2004.

Heard the learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents 1 to 4.

A case in Crime No.39 of 2004 came to be registered on a complaint of the Bantu Ratnam with regard to the death of his brother – Banthu Venkateswara Rao. The petitioner herein is the mother of deceased Bonthu Venkateswara Rao and she came to be examined by the investigation officer and her statement also came to be recorded under Section 161 Cr.P.C. The police after usual investigation laid charge sheet before the Judicial First Class Magistrate. The learned Magistrate took the case on file as S.C.No.151 of 2005 and made over the same to the Assistant Sessions Judge-cum-Fast Track Court, Kovvur for trial.

It is the grievance of the petitioner that the investigation made in Cr.No.39 of 2004 is defective and thus the same requires reinvestigation. As on this day, the case in S.C.No.151 of 2005 is pending trial. If the trial Court, on perusal of the material placed on record, comes to the conclusion of defective investigation, it has ample power to cure the same by ordering further investigation, if the circumstances so permits vide the decision of the Supreme Court in **Hasanbhai Valibhai Quereshi V. State of Gujarat.**

On the facts and circumstances of the case, the writ petition is misconceived and accordingly, the same is dismissed at the admission stage.

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30-05-2006

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